K East Indies — E. India Company of English Merchants trading to — General Court

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A SKETCH OF THE DEBATE,

THAT TOOK PLACE AT THE

INDIA-HOUSE IN LEADENHALL-STREET,

ON WEDNESDAY, THE 9TH OF OCTOBER INST.

ON THE FOLLOWING

MOTION OF WILLIAM LUSHINGTON, ESQ.

"That a General Court be held on the 23d instant, to take into consideration an Address to His Majesty, expressive of the firm determination of this Company to give every support in their power, to the Government of the Country, at this arduous crisis, and particularly to express a wish to raise and cloath three Fencible Regiments, to serve in Great-Britain, Ireland, or the Islands of Jersey and Guernsey, and to recommend that the Officers belonging to the Company's military establishment in India, now in Europe, may be employed in those regiments, subject to his Majesty's approbation."

By WILLIAM WOODFALL.

LONDON:

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J. DEBRETT, Piccadilly; R. FAULDER, Bond-Street; F. and G. EGERTON, Whitehall; Mrs. MURRAY, B. and J. WHITE, and T. CHAPMAN, Fleet-Street; and J. SEWELL, facing the Royal Exchange.

Where may be had,

The LETTER from WILLIAM DEVAYNES, Esq. to THOMAS HENCHMAN, Esq. with Mr. HENCHMAN'S ANSWER, on the Subject of the East-India Company's Shipping. The DISSENT, or PROTEST, of THOMAS HENCHMAN and RANDLE JACKSON, Esqrs. delivered into the Committee of Bye-Laws, with a Sketch of the Debate on the Report of the Committee. An ACCOUNT of the PROCEEDINGS of the GENERAL COURT, held on Wednesday the 19th of March. The DEBATE on the Expediency of cultivating Sugar in the Territories of the East-India Company; with the Speeches of RANDLE JACKSON and GEORGE DALLAS, Esqrs. and all the other Reports of Debates that have taken Place at the INDIA-HOUSE, and been given by Mr. WOODFALL.

1794.

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EAST INDIA HOUSE,

THURSDAY, October 9, 1794.

A GENERAL COURT having been convened by public Advertisement, " for the purpose of considering an Address to his Majesty, " declaratory of the Court's determination to support the Government of " the Country, in the prosecution of the present *just* and *necessary* war."

Mr. Devaynes, the Chairman, took his seat precisely at Twelve o'clock, and after the Minutes of the last Court * had been read,

Mr. *Lushington* rose, and addressed himself to the Chair, as follows:

Mr. Chairman,

AS I had the honour, on a former day, to move for the call of this General Court, I consider it incumbent on me to assign my reason

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* A Quarterly General Court was held on Wednesday the 24th of September, at which the Chairman was apprized by Mr. *Prinsep*, that tenders would shortly be made, either in England or abroad, of ships built in the East Indies, to be employed in the British navigation between the two countries. This he stated to have been done already, in some instances, and observed that the correspondence relating to that measure, was not printed with the last Reports, on affairs of shipping: he added his conviction of the legality, and promised that the terms of the tender should be advantageous to the Corporation; and said he had the greater hopes of success now that Government were conscious they had more than common cause with the Proprietors. The plan, he declared, was now before Ministry, and should be shortly sent to the Directors.

Mr. *Lushington* prefaced the following Motion, with a short speech ——

" That this Court be summoned for the 9th of October, to consider an Address to his " Majesty, declaratory of its determination to support the Government of the Country, " in the prosecution of the present just and necessary war."

Which being seconded by Mr. *Bensley*, from behind the Bar, was carried with the most cheering unanimity, and then the Court adjourned.

ſons for having ſo done; but before I enter upon that ſubject, I cannot forbear to congratulate myſelf, and all others who feel as I do, on the large attendance which I have the pleaſure to ſee, on an occaſion when the zeal and attachment of Britiſh ſubjects to the Conſtitution and Government of their country, are the Order of the Day.

In diſcuſſing the ſubject for our conſideration this day, it is impoſſible, Mr. Chairman, to avoid making ſome obſervations on the French Revolution; but I ſhall be as brief as poſſible upon that point: the Revolution of France, Sir, in its firſt objects, and in its firſt effects, was attended, I believe, with the good will of almoſt every fair reaſoning man. The rights and liberties of a whole nation, were oppoſed to the exorbitant power of one man, the ſocial compact to an intolerable ſyſtem of deſpotiſm. Had the French nation been content to reduce the powers of their Royal Government, and the proud ariſtocracy of their country, to reaſonable and conſtitutional ſubjection, mankind would have rejoiced at a reform, founded on ſuch principles; but unfortunately for all Europe, and the whole civilized world, the character of the Revolution, in a ſhort time, underwent a ſerious and an important change. I am ready to admit, Sir, that in the ferment of a great Revolution, it is difficult, if not impoſſible, to bind the diſcretion of man to a certain point, or that the ſame temperate arrangement of publick and private Right, was to be expected in the tumult of convulſion, which we look for from the cabinet of a ſtateſman, or the cloſet of a philoſopher. I ſhall alſo admit, that although the laſt unfortunate Prince was mild and beneficent in his nature, and equally moderate in the application and exerciſe of the ſtrong powers of his Government, derived from his anceſtors, yet the French Nation were fully warranted in embracing the firſt favourable opportunity to correct the vicious character of their Conſtitution and Government. It had produced intolerable oppreſſion under former Princes, and might be renewed under ſucceeding ones; nor ſhall I deny, Sir, that it is both natural and reaſonable that a jealouſy ſhould exiſt in the firſt moments of a Revolution, leſt the power ſo lately repreſſed, might riſe again with ſuperior force, and exerciſe terrible vengeance againſt all its opponents. All theſe conſiderations, Sir, have great weight on my mind; and to every impartial reaſoner, it muſt appear that a Revolution could not be effected, in a country extenſive and populous like France, without a conſiderable portion of partial injury. But, Sir, it appears to me that the exceſſes which have been committed, have gone far beyond the urgency of their ſituation; for this dreadful change in the principles and objects of the French Revolution, not only deſtroyed

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the Royal Government, and dragged their laſt unfortunate Prince to publick execution, but with them, Sir, fell all the rights of property, all the character, and all the dignity of the French Nation.

I admit, Mr. Chairman, that a whole Nation, or a large majority of it, have a right to eſtabliſh ſuch a form of Government, as they judge moſt fit to promote their own comfort and happineſs; and this right is exerted with the full meaſure of juſtice on its ſide, when excited by acts and ſyſtems of oppreſſion; but the exerciſe of this right, Sir, is ſubject to qualification and controul in its operation. If we conſider the faculties with which man has been endowed by his Creator, it is fair to preſume, that the rights of property were in the Divine contemplation. An incitement was neceſſary for the exertion of thoſe faculties; an excluſive enjoyment therefore, of the fruits of the labour and talents of men, was conſecrated by the firſt act of rude legiſlation, by our primitive anceſtors. Under that ſocial compact, all ſtarted upon an equal footing. In the progreſs of time, the diverſity of mens tempers and purſuits, produced inequality in their ſtate and condition; but, Sir, every man was the creator of his own ſituation. Induſtry and œconomy will accumulate, idleneſs and extravagance will diſſipate property. The opulent and independent family in one century may be, and frequently are, reduced to the laborious and dependent claſs in the next; and the extravagant expenditure of large fortunes, will inevitably transfer and diſperſe property amongſt the induſtrious claſſes; who, in their turn, are advanced into the higher and independent ranks of ſociey.

The maſs of the property in every country, Sir, (and it is particularly inſtanced in our own) is ſubject to that circulation and change of poſſeſſion here ſtated. But the ſocial laws reſpecting property, are not affected by this Revolution, in the private fortunes of men; they look with an impartial and equal eye upon all the conditions of life; and, true to the firſt principle and object of their inſtitution, protect, without diſtinction, all the rights of man in his ſocial ſtate. In conſulting the hiſtory of the human race, Sir, we find that man was firſt attracted into the ſocial ſtate, by a propenſity in his nature to improve the condition of life, by the exertion of induſtry and talents. This was the origin of property, and of all its juſt rights. They have been reſpected under every ſyſtem of government in all ſucceeding times, and have been, and ever muſt be, the great conſtituent principle of public power. A combination of circumſtances may, for a time, more or leſs affect the operation of this principle; but that will not militate againſt the truth

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of my position, that property is the foundation and support of the social state.

Sir, the dispositions of men are happily such, that the rights of property, and the power necessarily connected with it, are not subject to injury, unless provoked by an improper use of that power. In the government of France, great abuses certainly existed, and the French nation were entitled to demand and establish a reform; but the principles they have assumed and acted upon, destroy all the securities, and all the comforts of the social state. They have also a direct tendency to subvert the established and approved governments of the neighbouring nations; for in the violence of their enthusiasm, it has been made an essential part of their political creed, to propagate and establish their pernicious doctrines, in every part of Europe.

The principal Powers of Europe, therefore, prepared to resist the progress of principles, pregnant with such fatal effects to society, and in so doing, I conceive they were perfectly justified; for the right claimed by a particular nation, to settle its Government in any way they may think proper, is, as I before said, subject to controul in its operation, and that controul arises from the effects their new system may have on the situation of other neighbouring nations. It is indifferent to me, Sir, what the systems of other Governments in Europe are, as long as the one, under which I live, secures the liberty and property of its citizens. If the mass of the people under the allied Powers, and upon the Continent, are content with the Governments under which they live, it is sufficient to establish my argument; they are, in that case, entitled to defend those systems, not only against acts, but against principles, injurious to the peace and security of their respective establishments. If a man disordered in his mind, shews an evident intention to take away my life, shall I hesitate in taking immediate measures to deprive him of the power of doing it? The same law of self-preservation, applies to bodies politic; and both the individual and the community, will determine from their own judgement and feelings, when, and under what circumstance this imperious necessity exists. Upon this subject, Sir, it is impossible to refrain from saying something respecting our own situation. We have, Sir, a Constitution and Government, without any material blot, either in principle or practice,—a wise Legislation, and an impartial Administration of the law effectually secure to every man all the rights of society. The rich and the poor, have one common and equal character at the bar of justice, and such is the temper and principle of the country, that the legal and

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ſocial rights of the lower claſſes, are ever guarded with peculiar jealouſy, againſt the influence of the rich. This is the ſpirit of our conſtitution, and I feel myſelf warranted to ſay that it is the feeling and wiſh of every Briton, that all property ſhould be annihilated, rather than man ſhould be oppreſſed.

I come now to conſider, Mr. Chairman, the reſources and objects of our enemy; they are not ſuch, Sir, as we have hitherto encountered, when at war with any of the regular Governments of Europe. I have before obſerved, that the rights of private property, were involved in the deſtruction of the French Monarchy, and the unfortunate Prince then upon the Throne. This act of violence produced a new reſource, far more productive than the publick revenue of France; as property was no longer reſpected, the commerce, the manufactures and the induſtry of the country were ſuſpended, and in this univerſal diſtreſs, vaſt numbers of men were without employ and without the means of ſubſiſtence; this ſtate of things gave conſiderable facility in ſupplying their numerous armies with men, but it was ſtill neceſſary to exert coercion, and the terrible option was eſtabliſhed either to ſerve as a ſoldier in a cauſe not approved, or to abide the penalty of the law, which was death.

Sir, objection has been made to this war, as a war againſt principles, every war is againſt principles; ſometimes it originates in the perſonal ambition of a deſpot, or in a point of national honor, in which the ſubject often participates with the government: but war in modern times, has more generally ariſen from commercial competition; ambition, or the luſt of extending dominion by conqueſt, is certainly a vice againſt the peace and happineſs of ſociety; but that paſſion in a Monarch, is ſubject to controul. He is conſcious, that in his attempts to gratify it, he injures the fortunes and the comforts of his ſubjects; but, Sir, when this vice of ambition infects the majority of a nation, it becomes a virtue, within the circle of its influence, and the exertions of men, ſo actuated, acquire additional vigour, and become more dangerous to neighbouring nations. The popular ambition of Rome, diſturbed the world for centuries; the popular ambition of France, goes farther; it not only diſturbs the peace, but deſtroys the rights of ſociety: the principles of an enemy Sir, muſt be encountered in proportion to the danger they produce; and I own, I am for contending againſt every principle, ſhort of divine interpoſition, clearly marked, which threathens to deſtroy the comfort and happineſs of my life.

Mr. Chairman, the parties in this war are, beggary and vagabondism, against property and induſtry; the points at iſſue, a ſtate of barbariſm against a ſtate of civilization; the wild and deſtructive principles of French democracy, againſt the ſacred rights of the ſocial compact; and I may add, (and I fear not, that ſuperſtition will be imputed to me) againſt the purpoſe of Heaven itſelf, clearly indicated in the conſtitution of the heart and mind of man, fitted as they are, and exerted as they have been with diſtinguiſhed effect, to improve and beautify the ſyſtem of the world. Shall all thoſe liberal eſtabliſhments, as beneficial in their effects upon the condition of the poor, as they are honourable to the rich; thoſe ſplendid monuments of the arts, and all the other bright appendages to the cultivated ſtate of man (and here, Mr. Chairman, in this ſcene of human glory, I may claim for my native country, a place equal, if not ſuperior, to that of any other country in the world) I ſay, Sir, ſhall all theſe improvements in the condition of man, this advanced point of progreſs towards human perfection, be in one moment annihilated and levelled to the ground, by the all-deſtroying hand of a military dimocracy? for ſuch, certainly, is the ſyſtem of France at this time; the ſovereignty is in the hands of the multitude, and every man in a ſtate of requiſition to become a ſoldier.

I am aware, Sir, that ſome may argue, that this judgment againſt the French Revolution, is premature, that the ſyſtem is new and untried; and poſſibly may develope with more extent and effect, the powers and the virtues of man. To this I ſhould anſwer, that the experiment itſelf, is death to all that conſtitutes the comfort and happineſs of man; that, from the nature and reaſon of things, a military democracy muſt be deſtructive; the very principle of its exiſtence and ſupport, is human blood, and a violation of every thing that is honourable or dignified in the character of man. Of all calamities to which mankind are ſubject, this is the greateſt. In its firſt exploſion, fatal to all exiſting improvements; by its continuation, it eſtabliſhes habits, and gives impreſſions which, long after its extinction operate againſt the peace of mankind. But, Sir, the rulers of France have the policy to aſſume appearances, whilſt they deſert the principles on which they are founded; they may erect their pantheons, their temples to honour, to virtue, and to liberty, but they reflect not, that the proper character and dignity of ſuch eſtabliſhments, depend *not* on the conſtructions of brick and mortar, but upon the mind of man. If the mind be not free for exertion upon the ſubjects of induſtry, and in the purſuits of knowledge; if the fair earnings of the one, and the honourable com-

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penſations of the other, be not ſecured by permanent law, there is an end to all incitement for human improvement. Continued convulſions muſt produce a ſtate of barbariſm.

I am afraid, Mr. Chairman, that the publick mind is not ſufficiently impreſſed with the peculiar character and importance of this war. I fear, Sir, that many of us flatter ourſelves that it may terminate as former wars have done, in which the unſucceſsful party, by the ceſſion of an iſland, or a point of honour, has conciliated peace. I think differently as to the objects of the preſent war; we are not contending for the degrees of fortune, or whether the publick and private purſe of Britain, ſhall be enriched beyond that of France; we are not contending, Sir, for points of national honour, nor for objects of monarchical ambition, but for the Conſtitution and Government of our native country; and for that which is far more important to mankind, for all the objects and all the rights of the ſocial compact. But to bring this point more home to the feelings and comprehenſion of every man in the country; I ſay, ſir, we are not contending whether 3 per cents. ſhall be at ſixty, or at *par*; but whether a *Britiſh Exchequer*, and a *Bank of England*, ſhall exiſt to receive and diſcharge our claims for dividends—for this, Sir, is the point at iſſue, and for ſuch objects to ſuppoſe indifference, would be an inſult to common ſenſe; and in this general wreck of all the ſocial rights, let not the man of landed property, flatter himſelf that he ſhall eſcape. If he can for a moment entertain ſuch an idea, let him look to the ſtate of Brabant, conquered, plundered, and laid waſte in ſix weeks. Permit me, Sir, to deſire your attention for a moment, to the vaſt property poſſeſſed, or repreſented within the circle of a hundred yards from this houſe (Eaſt India Houſe); there are publick and private banks, and mercantile houſes, whoſe capital and dealings are beyond eſtimation. Many of the private banks, equal to the national banks of other countries; and the great public bank, in its property and concerns, confounds all calculation: thoſe who are intereſted therein, muſt feel that the events of the war ſtrike at the ſecurity of ſuch eſtabliſhments; and that the firſt prey to the rapacious hands of the enemy, will be the valuable depoſits in their cuſtody; perhaps they do not as yet feel to that degree of conviction neceſſary to excite individual exertion, or to produce the generous and manly declaration, that they will meet the increaſing difficulties of the country with every perſonal and pecuniary aid in their power. I am ſatisfied that there is zeal enough, and particularly in the gentlemen who preſide over the concerns of this opulent eſtabliſhment. I doubt not, the reſources of the country, Sir, for if properly and timely exerted, I am perſuaded they will be

be ſufficient for every emergency, than can poſſibly ariſe out of the preſent criſis. I doubt not the temper and diſpoſition of the maſs of my countrymen, for the comforts and benefits they derive from a wiſe Legiſlation, and equal application of the law, are beyond what is experienced by any community in the world. But I doubt, *not* the good will of the opulent part of the community, for if they reflect at all, they muſt be convinced, that in the events of the war, are involved the rights of property, and all the comforts of life. But I own *I doubt*, Sir, whether they will be ſufficiently forward and liberal in their feelings, with reſpect to the great publick cauſe now at iſſue. I alſo doubt, whether there is not a ſort of conſtitutional jealouſy, common, perhaps, to all free countries, which prevents a prompt, and an important movement in the government of the country, upon the firſt ſpur of a great occaſion; a wiſe and cautious ſentiment in common times, but in a war like the preſent, in which the enemy not only ſtrikes at the ſtate, but at individuals, who is not content to conquer, without ſubverting all the rights of ſociety, the publick power of the country ſhould be invigorated by individual exertion. Every man ſhould chearfully contribute, if not be actively forward, to increaſe its energy. In the private concerns of life, if an individual be engaged in a law-ſuit, which involves the whole, or a large portion of his fortune, he will direct his Solicitor to retain the firſt Counſel at the bar, and to excite his beſt exertions, by offering him a liberal fee. He will chearfully ſacrifice a part, to preſerve the whole. Why ſhould not the ſame ſentiment actuate us in the great publick cauſe of our country, which, from the peculiar nature of it, embraces every private and publick intereſt, in the ſocial life?

We are all anxious for peace, Mr. Chairman, but think differently as to the means for obtaining it. Some think, that to withhold, or to murmur at the ſupplies, which a war of ſuch vaſt and neceſſary exertion muſt require, will be an admonition to Government, that the country requires peace. But will not ſuch conduct likewiſe admoniſh our enemies, that the Government is no longer ſupported by the people? Will the country bear to hear of ſuch a peace, as muſt reſult from negotiation, commenced under ſuch diſadvantages? The terms of peace, Sir, will ever be governed by the relative powers of the parties for proſecuting the war. I therefore ſupport the preparations for war, becauſe I wiſh to obtain a reaſonable peace. If thoſe who argue otherwiſe, will convince me, that to diſband our armies, and to diſmantle our fleets, (which muſt be the caſe, if the neceſſary ſupplies are withheld)

will

will be a certain means of obtaining a ſafe and reaſonable peace, I ſhall applaud their wiſdom, and confeſs my own ignorance.

Others ſay, Sir, they will be content to pay their proportion of the publick ſupplies, when they are called upon, but deem it unneceſſary to invite taxation, by declaring that they will chearfully meet it. They muſt be cold and indifferent to all the great objects of this war, who reaſon thus; an avowed and active ſupport will invigorate that Government, upon whoſe exertions we rely for the protection of our rights and property. It is therefore due to the ſtate, and to our own particular intereſt, that we ſhould encourage that Government, by an open and manly declaration, that we will ſupport, with our hearts and our purſes the neceſſary vigorous exertions to maintain the public and private rights of the country.

In reſpect to myſelf, Mr. Chairman, I declare I am ready to apply, in common with my fellow ſubjects, any part of the principal or income of my property in ſupport of the conſtitution and independence of the ſtate, I will chearfully cut off from private expence, every ſuperfluity, which can interfere with this act of public duty. I claim no credit from this declaration, for I confeſs that I am influenced more by private prudence than by a ſentiment of patriotiſm. I feel that the property and ſituation which I hold under the ſocial compact, and under the particular protection of the Conſtitution and Government of this country, is in the preſent criſis, at eminent hazard; every exertion then, for the ſupport of the latter, is evidently prompted by ſelf-regard. All authors on ſyſtems of Government, agree that a concurrence of public and private intereſt, is the perfection of human policy. Never was this opinion more compleatly exemplified, than in the critical ſituation of this country. But I own I count not ſo much upon public zeal, as upon private prudence, well underſtood in the preſent ſtate of things. If every man acts up to the dictates of private intereſt, I pronounce that the conſtitution, fortune, and independence of the country, are ſafe.

But, Sir, if the protection of our property and perſonal liberty, againſt invaſion, and menaced deſtruction, be not a ſufficient incitement to exertion, I beg to call your attention to that period of our hiſtory, when every man of property in the country, was by the tenure of that property, a ſoldier, when the National maſs of England, to uſe the phraſe of the times, was exerted againſt that of France; and from the triumphs of thoſe days let confidence ariſe, that if compelled to ſimilar exertions, the honour and ſafety of this Iſland will not *in our times, and*

in our hands, suffer any depreciation. It was not only in the rude and uncultivated times of Europe, that we encountered the French nation with honour and success, but our superiority has been equally proved, since the progress of human knowledge has established important improvements in the art of war. Both in the rude and enlightened days of Europe, I say, Sir, the triumph of Britain over France, has been uniform, and I feel equally gratified, in reflecting that the exertions of British soldiers and seamen, in the present war, have fully supported the distinguished character of their ancestors, in the same field of honour. But the system of France, Sir, has reverted to that of Europe in former days. The effective population, and the whole property of the country, publick and private, are in full action to support their predatory attacks on the established Governments of Europe. If similar exertions are not in some degree made to resist such an enemy, Europe is lost. Property, in modern times, has been justly considered as the principal sinew of war, and it still has a great prevailing influence in all its operations; but the publick revenue of the regular Governments of Europe, is not sufficient to supply the exigencies of a War, like that in which we are now engaged; individuals must sacrifice a part of their property, for the security of the remainder; and it is by such a timely sacrifice only, that we can avert that tremendous situation, when the rich and the poor, united in one common mass, and making one common and equal exertion, must meet a victorious enemy on our own shores, or in the heart of this island. In such an extremity, British valour, cordially exerted, will, I am persuaded, maintain its established character. But if men of property, will for a moment reflect on the confusion and distraction which must inevitably attend such a crisis, I am satisfied that to avert it, they will chearfully afford earnest and active support to the Government of the country.

I shall only suggest one further observation; if France should unfortunately prevail against the Allied Powers of Europe, and after the first moments of her triumph are over, she should have the wisdom to reflect on the rigour of her principles, and in consequence thereof, adopt ideas and systems more favourable to the comfort and happiness of mankind, we should not flatter ourselves that this country will be suffered to retain an atom beyond what our own power and independence can command. For Britain, Sir, the constant rival of the power and fortune of France, is at this time the peculiar object of her vengeance. *Delenda est Carthago*, is the prevailing sentiment in France with respect to this country. Our safety, our existence as an independent state, the comforts of private life, and all the enjoyments of fortune, depend therefore,

therefore, upon our own timely exertions, and I shall only add, that if these exertions be delayed, not only a part, but all our property, and our lives, may soon be at the mercy of the enemy.

I trust, Mr. Chairman, I have stated sufficient reasons to justify the terms of an Address to his Majesty, which I hold in my hand, and shall read as a part of my speech. I did intend to move a Resolution upon it this day, but a Bye-Law interferes; for as the Address contains an offer of raising three fencible regiments for the present service of his Majesty's Government, a special notice of fourteen days, is necessary for the admission of a motion, which imports an extraordinary application of the Company's money. The proposed Address is as follows.

To the KING'S most excellent MAJESTY.

" We, your Majesty's loyal Subjects, the United Company of Merchants trading to " the East Indies, beg leave in this arduous Crisis, to express our sentiments of zeal " and attachment to your Majesty's Royal Person and Government. When a Populous " and Powerful Nation, in the Center of Europe, avow and act upon principles equally " destructive to the rights of private property, and to the political and religious Establish- " ments of Europe, we consider it as a duty incumbent on all your Majesty's subjects, " but particularly on great commercial Societies, possessing and employing large Ca- " pitals in the circulation of Trade, to express in the most decided terms, our detesta- " tion of such a system of Warfare, without Example in the History of the civilized " World; and at the same time to declare that we will, in common with our Fellow-sub- " jects, chearfully sustain the extraordinary Burdens which a war, so extensive in its " operations, and so important in its consequences, may require.

" The constitution of our country has been fully tried; and we have every reason to " be satisfied with the principles on which it is founded: The Comfort and Happiness " enjoyed by all Classes of your Majesty's Subjects, are proofs of its wisdom and effica- " cy; and the public power of the country equally demonstrates its superiority over every " other known Government in the World. With these Sentiments, strongly impressed " on our minds, we pledge ourselves to support your Majesty's Government, and the " Constitution, with our Lives and Fortunes, against the Foreign Enemy, and the same " principle will prompt us to every active exertion necessary for the suppression of domestic " Tumults. In all Communities, there will be Faction and Discontent; but the perver- " ted subjects of your Majesty's Government, cannot be numerous. Secure in Property " and Personal Liberty, Faction against the Law and Constitution, can originate only in " folly or wickedness. Anxious as we naturally are to see the peace of Europe restored, " we are fully persuaded that active and vigorous exertions for the prosecution of the " War, are the only effectual means to obtain it on safe and honourable Terms. As

" a small,

"a ſmall, but earneſt teſtimony of our zeal to ſupport your Majeſty's Government, the "Conſtitution of the Country, and the Rights of Society, groſsly violated by the prin- "ciples and practices of the common enemy of Europe, we beg leave to ſubmit to your "Majeſty, our wiſh to raiſe and embody three Regiments of Fencible Infantry, to ſerve "either in Great-Britain, in Ireland, or the Iſlands of Jerſey and Guernſey; and we beg "leave to recommend that the officers belonging to our military Eſtabliſhment in India, "now in Europe, may be employed in the ſaid Regiments, according to their reſpective "ranks, ſubject, however, to your Majeſty's approbation."

In ſupport of the propoſition for tendering to his Majeſty three regiments, to be raiſed and cloathed by this Company, I ſhall only ſay, that if Counties and Towns, and even individuals in this kingdom, have manifeſted their zeal, by raiſing Fencible corps, it appears to me peculiarly incumbent on the Eaſt-India Company, to make a ſimilar exertion; who, in their territorial poſſeſſions, and in their vaſt commercial concerns, have a ſtake in the events of this war which, in point of magnitude, is ſuperior to the whole collective property of many of the independent ſtates in Europe. To comply with the eſtabliſhed Bye-Laws of this Company, it is neceſſary to poſtpone the conſideration of my intended Motion for this day, I therefore move, Mr. Chairman,

"That a General Court be held on the 23d inſtant, to take into conſideration an Ad- "dreſs to His Majeſty, expreſſive of the firm determination of this Company to give "every ſupport in their power, to the Government of the Country, at this arduous "criſis, and particularly to expreſs a wiſh to raiſe and cloath three Fencible Regiments, "to ſerve in Great-Britain, Ireland, or the Iſlands of Jerſey and Guernſey, and to recom- "mend that the Officers belonging to the Company's military eſtabliſhment in India, now "in Europe, may be employed in thoſe regiments, ſubject to his Majeſty's approbation."

Mr. *Jackſon Barwis* roſe to ſecond and ſupport the Motion, which he did in few words.

Mr. *Fitzgerald* ſaid, after the very able manner in which the buſineſs of the day had been opened to the Court, he ſhould only requeſt its indulgence for a very few minutes. But, Sir (continued he) permit me to obſerve, if ever there was a period, ſince the firſt exiſtence of our Charter, when this great commercial Company was more peculiarly called upon to aſſiſt, with all its energies, the Government of the Country, in proſecuting a juſt, neceſſary, and on our part, unavoidable war; the preſent moment is that eventful period! and ſurely, Sir, it would ill become that dignified conſequence the Company holds in the general ſcale of the Empire, to be *tardy* in bringing forward a meaſure of this nature, when

when almoſt all the corporate bodies, and moſt of the villages throughout the kingdom, have ſhewn their alacrity to render ſervice to their Country, by arming in her defence.

Notwithſtanding ſome rumours to the contrary, I cannot for a moment imagine there will be the ſmalleſt oppoſition to the buſineſs before the Court; much leſs can I ſuſpect, that any failures in the preſent campaign will be adduced as arguments for us to withhold, or materially alter the Addreſs. No, Sir, I truſt the precarious events of war will never damp the ſpirit, or depreſs the energy of Engliſhmen! On the contrary, let us prove to all mankind, that the preſſure of misfortune, only augments the ſpring of our exertion!

It is true, the Company's coffers cannot be ſo full, in the midſt of an expenſive war, as we have every reaſon to hope they will be, whenever the bleſſings of an honourable and permanent peace ſhall be ſeured to us. Yet ſtill, I hope we poſſeſs enough to be, at once, juſt to ourſelves, and generous to the public; I therefore heartily rejoice that the intended Addreſs, will not only carry to the foot of the throne, the moſt animated expreſſions of our warm attachment, and unſhaken loyalty, but that it will likewiſe be accompanied, or followed, by ſuch ſubſtantial proffers of aſſiſtance, as may be worthy of His Majeſty to receive, and of the Company to offer.

In the laſt war, I believe, the Company preſented Government with three ſhips of the line; but as the building, and equipping large ſhips of war, muſt of neceſſity be a work of conſiderable time, I beg leave to ſuggeſt, upon the good old maxim "*Bis dat, qui citò dat*" that if a liberal ſum of money were lent, without intereſt, or, given altogether to Government, towards the proſecution of this war of *abſolute neceſſity*, though I truſt in its conſequences of *ultimate ſecurity*, it might, poſſibly, be a more efficacious method of diſplaying our loyalty, than any other we could adopt, this I mention merely, as a hint for abler heads to improve upon.

And now, Sir, I have only to apologize for having this firſt time in my life, treſpaſſed upon the patience of the Court: but I felt it to be the bounden duty of every Proprietor to expreſs his unbiaſſed ſentiments on the preſent occaſion prompted thereto by no conſideration upon earth, but an ardent zeal for the proſperity of the Company in particular and the nation at large, whoſe intereſts are, indeed, ſo intimately connected; ſo nicely interwoven, that I may venture to ſay, they muſt in future be inſeparable.

Mr. *Henchman* said, approving as he did most heartily, every effort that could be made to overthrow that horrid system of anarchy, confusion and devastation, which was extending itself upon the Continent of Europe, and which threatened to destroy the Constitution and happiness of this kingdom, he felt great pleasure in giving his voice in favour of the Address before them; an Address expressive, he believed of the sentiments of a very great majority of this nation: and he hoped that the example, which the Company were about to set, would be followed by many, if not by all the corporate and commercial bodies in the kingdom. His Honourable Friend had stated, that this was a war against property, and if so, how, he would ask, ought it to be resisted? not by burdensome taxes, affecting the poor, as well as the rich; not by additional excise, still encreasing the price of the most common necessaries of life; no; in his opinion, Mr. Henchman said, the force and power of property, ought to resist the attack upon property, and such being the case, who could be so proper, as the first Trading Company in the world, to take the lead upon such an occasion. Let the Proprietors for a moment only, contemplate the fate of the French East-India Company, and then consider what their own situation would be, if the same system should prevail in this country, as in France; their property would all be put in requisition (addressing the chairman,) Mr. Henchman, went on thus: —You, Sir, will be driven from that chair, which you so worthily fill, and if we ever meet again in this house, it will be as suspected *aristocrates* or prisoners.—Sir, I am aware it will be said, we cannot afford to give any pecuniary aid, that we cannot fulfil the engagements we have already with Government; the honourable mover of the present address, has so lately said "that, the hand of power was upon us," and that "the bargain we made was a hard one indeed for the Company", that I did not expect he would propose any grant of money, but I am happy to find that he is convinced the necessities of the times justify such an exertion; and I hope Sir, in what we are about to do, the late arrangement will not be interfered with; that we shall now distinctly consider the alarming situation of public affairs, and the danger to which all property is exposed; and recollecting the immense stake we have, can we hesitrte a moment in agreeing that a sacrifice of some part is necessary to prevent, if possible, the loss of the whole. I am not ashamed, I will confess, to acknowledge myself an *alarmist* in such times as these; I hope the whole nation is alarmed, and being so, that every man able to bear arms will take part in defence of his country, instead of following the dastardly examples

amples of the Brabanters and the Dutch; it is not only money, but personal service that is necessary; for be assured, when the most serious day of trial comes, and we know not how soon it may, property will not be effectually defended by those who have none. Let us consider, if we ought not, and if we cannot with the strictest propriety, raise and maintain a number of men for the defence of the kingdom during the war. Sir, I am satisfied, that 100,000l. *per annum*, would at this crisis, be much better disposed of in the defence of England, than in establishing Supreme Courts of Judicature at Madras and Bombay, which, by common report, is in contemplation of you Sir, and the Court of Directors at present. We hear of no abuses in the administration of public justice, to make this arrangement immediately necessary, and individuals, who are candidates on this occasion, will have stronger claims to such preferment, if they give their assistance a little longer at home towards saving the State.

There may be men among us, who think this war might have been avoided altogether, and that we could quietly have enjoyed our Commerce and our Wealth, with these dreadful commotions around us; there are others, who think we should at all events make peace. I shall not attempt to argue these points; I respect the opinions of some of those Gentlemen, yet I think we may depend upon the wisdom of his Majesty's Ministers, that they would not have made war without an absolute necessity, and that they will make peace as soon as it is possible to do so, with safety to the Constitution, and with advantage to the Nation: but I will just remark that those who conceive a Nation with a small territory and population can continue to engross the trade of the whole world, without engaging in the contests of it, will be woefully mistaken. We cannot expect, that we shall be admitted peaceably to navigate from one extremity of the Globe to the other, that our Manufactures shall be allowed a sale throughout Europe, that the Mandarins of China, and the savages of Nootka Sound, shall be clothed in our woolens, and that the tribute of our Asiatic possessions, shall be realized by the sales of Indian manufactures in every Kingdom of Europe and America, unless we preserve a respectable character among Nations, by the force of our own arms, and by the purchase of other assistance, through the means of that wealth, which we are daily accumulating.

But,

But Sir, to return more immediately to the queſtion—I hope it will be matter of conſideration whether we cannot *maintain*, as well as raiſe, theſe regiments; it is not neceſsary to decide at preſent, becauſe fourteen days notice muſt be given before the Proprietors can vote away any of the Company's money; we muſt therefore have another General Court, and I will not conceal from this Court, that I feel many doubts whether under the Act of 1793, any grant of this nature can be ſubſtantially made, the objection has been taken already out of doors, and it is better to meet the queſtion fairly here, than to have it aſſerted againſt us, that we have attempted to miſlead others by an example that we knew to be fallacious at the time we adopted it. Gentlemen, no doubt, recollect that by law, a profit and loſs account is annually to be made up of the concerns of this Company, and whatever *ſurplus* there may be, as far as 500,000l. is the property of Government. Therefore every charge upon that account, will take ſo much from the exceedings, of courſe from Government, and if that charge is in a gift of Ships or Regiments to his Majeſty, it is only what the ſtate is entitled to, under the exiſting law; and even, if there ſhould be no exceeding at all, it will ſo much leſſen the balance of caſh which is carried to the next year's account, and be felt in the ſame reſpect there; ſo that there is a difficulty upon my mind, how this patriotic gift can be both legal and ſubſtantial; but my anxious wiſh and hope is that this difficulty may be removed, and I ſubmit to the Court whether it is not better that this point ſhould be cleared up, than that ſuch a public body as the Eaſt India Company, ſhould have it imputed to them, that they have impoſed upon the public at large, and that, with a great parade of loyalty and public ſpirit, they in fact have done nothing at all. I alſo think Sir, that whatever is done ſhould be more preciſely ſtated to the Proprietors; they ſhould know the expence and the mode of raiſing theſe regiments, that they ſhould be aware, whether they are giving 50, or 100,000l. —But Sir, to have theſe points explained, I will take the liberty of offering the following reſolution to the ſenſe of this Court.

"That ſo much of the Addreſs now propoſed, as relates to raiſing Troops for the ſer-
"vice of his Majeſty, be referred to a Committee of the Court of Directors, and ſix Pro-
"prietors, and that they do conſider what number of men it may be expedient to offer,
"and the mode and expence of raiſing the ſame—alſo the expence of their annual main-
"tenance, ſhould the Court deem it fit to take that charge upon themſelves, during the
"War; and in what manner this offer can be legally rendered the moſt effectual aid to
"Government, and report the ſame to the next General Court."

Mr.

Mr. *Jackson*, rose to second Mr. Henchman's amendment, he said, that the good sense and moderation with which his honourable friend (Mr. Lushington,) had brought forward the address, prevented him the necessity of troubling the Court at any length. He thanked him for having so worded it, that those whose sensibility and laudable jealousy for the constitution, might have induced them to make some objections, could now accede to it with perfect unanimity. He owned, that he for one, thought the times bore a gloomy aspect indeed; he thought they called for the most decisive expressions of loyalty, and the most energetick determinations to support the constitution of the country. He differed, in one respect, from the Mover of the Address; he was convinced, that the number of dissatisfied persons was truly formidable; whether that number might not have been less, if his Majesty's Ministers had thought it expedient to indicate a spirit of accommodation, a disposition to redress grievances where real, to reason against them where imaginary, and repel the factious assertion of them, where notoriously unfounded, it was not for him to say. It was a point upon which wise and good men were known to differ. He deeply lamented the consequence without pretending to assign the cause; they must all however agree, that circumstances called for the most spirited measures of defence, as upon rendering the island impregnable, depended, as had been truly stated, every thing dear and valuable to the heart of man. The question then was, what degree of assistance could they afford the State, consistent with their pecuniary engagements and with legal propriety? Knowing that some difficulties stood in the way from the nature of their late arrangement with Government, he approved his honourable friend's idea of a Committee; he stated that they were under obligations to pay Government annually a large sum of money, provided that a sufficient surplus should remain after discharging certain other obligations; to take it from that surplus would be idle, and convey no compliment; but he thought that the Committee might devise some plan of getting over this difficulty. As to the amount of the proposed assistance, if it was to depend upon their present circumstances, he was clearly of opinion, that they could not afford to part with sixpence; but taking their affairs in a general point of view, taking into consideration the extreme peril of the moment, and above all the influence which their example might have on other public bodies, to exert themselves in defence of their country, he thought, that they might safely accede to his honourable friend's motion for raising and cloathing three fencible regiments, which would perhaps cost 50,000l. But, if it was meant to carry the matter further, if *maintaining* them also was persisted in,

 he

he ſhould for many reaſons reſolutely oppoſe it. He ſaid, that an honourable gentleman, (Mr. Fitzgerald,) who had ſhewn himſelf deſirous of obtaining from them a very large ſum of money, had delivered a ſentiment, which comprized the whole of his ideas on this part of the ſubject, and ought to have checked the zeal of the perſon who uſed it: "*Be juſt as well as generous.*" Mr. J. ſincerely wiſhed that gentlemen would never propoſe grants of money in that place, until they had taken the trouble to inform themſelves of the Company's affairs, the debtor and creditor ſides of their accounts, and the quantum of their aſſets; he alſo wiſhed that thoſe preſent, would aſk themſelves what right they had to vote away the money of the abſent Proprietors, for whom they ought to conſider themſelves as Truſtees, or to diminiſh thoſe aſſets, upon which their Creditors depended for the payment of their demands. Still more important was it for them to conſider if any grant which they were about to make, could operate to weaken that *Guarantee Fund*, which was meant to provide an ultimate ſecurity to every Proprietor, for 200 *per cent* for his ſtock. It was well known, that that arrangement had been the reſult of ſome hard-fought conteſts; it was now ſettled under a ſolemn act of parliament, and he hoped that no man, in or out of that place, would ever dare to diſturb it. He reminded the Court of the uniform conduct of the Bank Directors, who had preſerved the high reputation of their fund beyond that of any other in the country, by ſuffering no political queſtions to be agitated within their walls, making no improvident grants, and rendering it impoſſible for a few Proprietors to come down and vote away thoſe ſums, which the Directors conceived themſelves to hold in truſt, for the abſent Proprietors of all deſcriptions native and foreign.

Mr. Jackſon, ſubmitted to the judgement, and to the humanity of the honourable mover of the addreſs, if that part, which alluded to thoſe unfortunate perſons now under trial, had not better be omitted altogether, as certainly tending to prejudice the publick mind; he mentioned in terms of great eulogium, the humane conduct of Lord Thurlow, who on a ſimilar occaſion in the Houſe of Lords, deprecated the conſequence of reaſoning upon ſuch ſubjects, implored their lordſhips not to draw concluſions fit only for a jury, and conjured them to remember that mens lives were at ſtake. Mr. Jackſon, again expreſſed his hopes, that all publick bodies, that all ſocieties of men, and every individual would feel, as if upon himſelf depended the ſafety of his country; a country worthy of being defended, becauſe it poſſeſſed a conſtitution worthy of men to live under, without the full

enjoyment

enjoyment of which, if every man felt as he did, he would regard the island as worthless, and be indifferent as to who possessed it.

Sir *Francis Baring* said, he did not rise to state his sentiments on the Address then, because he did not think *that* the fit moment for discussing it, as it would come under the consideration of the Court a fortnight hence. He thought the Court could not go too far in expressions of attachment to the King and Constitution, but his doubts how far the Court was competent to vote away any of the Company's cash, for that, or any other publick purpose, before they had complied with the injunctions imposed upon them by the charter, went farther than those of the Honourable Gentleman who had proposed the Amendment. By that charter, gentlemen would recollect, that Government were entitled to 500,000*l.* *if there should remain* so much surplus, after the other provisions of the charter had been fulfilled. In his opinion, Sir Francis said, there was not likely to be any surplus for Government this year, and as they had found it necessary to go to Parliament a few months since, for leave to borrow a Million, it would have a very odd appearance for the Company to be profuse, especially when, from the state of their accounts, it would be evident that they had it not in their power to be even just, much more generous. Upon the whole, he thought it would be necessary for the Directors to take legal advice upon the subject, and not precipitately vote away large sums of money, while the exigences of the war kept their Treasury empty.

Mr. *David Scott* (the Director) said, it had not been his intention to have taken any part in the debate, but he thought it necessary to say a few words in consequence of what had fallen from the Honourable Baronet, lest an idea should be entertained prejudicial to the Company's solvency. The Company's affairs, Mr. Scott said, were in a very flourishing situation; they were undoubtedly rich, although from the exigencies of the war and from various other causes, the money was not actually in the Company's coffers. It was true they had applied to Government to borrow a Million that year, but it was equally true that it remained untouched; the reason of the late application to Parliament was, that the supercargoes in China in consequence of the rate of exchange being very low, had received large sums from individuals, and of course had drawn on the Court of Directors for the amount, not having an opportunity of transmitting their amount home in goods. According to the last advices their supercargoes had upwards of a million sterling in specie in their hands. And another cause of their coffers not being full, was the very great increase of exports to China, the returns for which had

not

not yet come to hand. In fact, the Company were fully solvent. He repeated it, that he had thought it necessary to say thus much to prevent any misconception that might get abroad, as to the state of the Company's affairs.

Sir *Francis Baring* said, it had been far from his intention to impeach the Company's solidity; he had merely risen to suggest that there were two difficulties in the way of the Proposition, which had that day been recommended, and which seemed to meet with the concurrence of every gentleman who had spoken on the subject, viz. the Bye-Law that had been referred to, and the conditions of their Charter under the Act of Parliament respecting the appropriation of the surplus for the use of the publick. He well knew that the emptiness of the Company's coffers, was owing to the exigencies of the war, and to the other circumstances stated by the Hon. Director.

Mr. *Prinsep* approved the principle of the motion, and thought it highly became the Company, as the greatest commercial body in the kingdom, to take the most effectual means of strengthening the hands of Government. With regard, however, to the proposed mode of paying for the three regiments out of the Company's cash, he thought they should not forget that they were acting as Trustees for the Proprietors who were absent; for his part, he could not reconcile himself to the voting away a large sum, and that unspecified, out of the general stock of the Company; nor could he help entertaining two doubts on the subject of the proposed Address, the one respecting the legality to adopt the object of the Motion, the other respecting its efficacy if it were adopted; for if the appropriation under the last Act of Parliament were complete, the Proprietors had nothing to give; if the Act had absolutely appropriated the funds of the Company, their interference would be illegal. At the same time it would appear ungracious in the India Company, so far to differ from the customs of the East, as to approach the Sovereign empty handed, and as gentlemen talked of supporting Government with their lives and fortunes, he hoped there would be no objection to what he was about to propose, though he would have been much better pleased, if his Honourable Friend had himself concluded his motion, in words to the same purport with those he should read to the Court, observing that he did not mean to move it as an amendment, but merely threw it out as a suggestion.

"That the Court declare, unanimously, their determination to support his Majesty's "Government to the utmost of their capacity, in resistance of the common enemy, un-"till the attainment of a safe and honourable peace.

"And

"And that this Court do for themselves individually, consent and authorise the Court "of Directors to retain the increase of dividends beyond *eight* per cent. on the stock "held by the Proprietors now assembled, and apply the same for the purpose of aiding "the executive Government, in the present arduous contest (either as a free gift, or by "advancing it as a loan, without interest) untill the more flourishing state of the Com-"pany's affairs, shall afford a continuance of the 500,000*l.* per annum, which the late "Act of Parliament has directed to be paid to Government.

"And that this resolution be recommended for the adoption of Absentees."

[From the murmurs of the Court, it was pretty obvious that Mr. Princep's Proposition was not much relished.]

Mr. *Jackson* said, that from the countenance of the Gentleman who made the proposition, as well as from the reception it had met with by the Court, it was pretty evident that nothing serious was meant, but he rose to give it a serious reply; because people out of doors, might not distinguish between the *grave* and the *jocose*; and he thought it behoved every man that had the interest of the Company at heart, to protect the reputation of its Fund, by declaring, that nothing short of an Act of Parliment, could alter that dividend, upon which so many depended for their support. He reminded the Honourable Gentleman, that though such a proposition might not, in point of moral justice, materially affect either of themselves, as old Proprietors, yet perhaps, a great part of the persons present, had bought their stock since the increase of dividend, and paid a price accordingly.

Mr. *Tolfree* expressed his approbation of the Address and Motion, and saw no reason why the Court should not dispence with the By-Law, as they had done in the year 1780, when a proposition for three ships of the line, and a bounty to two thousand seamen was made in that Court, and voted immediately, notwithstanding the By-Law to the contrary; he therefore saw no use in the delay of fourteen days on an occasion so great and important as the present. Why not follow the example that had been then adopted, since the exigency was infinitely more pressing? Mr. Tolfree urged this very warmly.

Mr. *Twining* advised the Court to give Government effectual assistance, to do it with heart and mind, and not content themselves with empty professions. He saw no use in going into nice and abstruse calculations, on a subject of that importance; let the regiments be raised,

 and

and there was no doubt but the Company would find a way to discharge the expence. In his opinion, nothing ought to delay the business.

Mr. *Lushington* said, the objection started, reminded him of the action of *Scipio Africanus*, who, when his accounts were called for, upon his return from his campaign against Carthage, tore his papers, and bid them look to his conduct as the best proof of the rectitude of his accounts.

Serjeant Watson expressed his surprise, that such objections should be urged, as had come from theHonourable Gentlemen who had proposed the motion for delay, and which had been supported by the Honourable Bart. behind the Bar. Did the court consider the pressing exigency of the occasion?Did they recollect that the present war was unlike any former war that had preceded it? that the enemy was at the gate, and not only their Constitution, but their Religion, Laws, Liberty, and every thing that was dear and sacred was at stake? Did it become a great Company, a Company with the largest capital employed in commerce, perhaps in the four quarters of the globe, in such a momentous crisis to seek refuge from a motion like that under discussion behind their desks,and coldly go to pen and ink, and enter into nice and minute calculations,in order to see what quantity of shillings, pence and farthings would make up the exact amount of the balanee of their affairs. Let them recollect that to the measure in question, only two parties could have any thing to say, that Court on the one part, and Government on the other. Did they hear of an objection from either quarter? Did they themselves object? certainly not, for every Gentleman who had spoken in the debate, was warm in expressing his approbation of the motion, and even wished the measure to be carried still further, if it could be legally so carried. Had they heard of an objection from the other quarter? No man would pretend, that he knew of any. If there was any objection from that quarter, they would be sure to hear of it, and it would be time enough to attend to it when it came. But he might venture to say, that no objection would be heard of from that quarter. To what end then, oppose their immediately voting the address? Their By-Laws were of their own making and subject to their own controul solely. They might either suspend or rescind them, as occasion should require. The precedent of the year 1780, in voting the three ships of the line, was a rule to go by. Why not follow it, and do that now, which the Court had then done, in a case of no sort of comparative importance? Let them consider the nature and circumstances of the war, a war in the nearest degree

gree interesting to every British Subject; a war that was brought to such a point, that *Hanibal was actually at the gate, and the danger at our door*. Were they, at such a time, to talk of By-Laws, and legal opinions; they stood in no need of the one, and they had a sovereign command over the other. Ought a great Company, with the enemy at their Portal, to hesitate about voting such a paltry sum, as 50 or 60,000l. for the support of Government? Did any man imagine that the giving away such a trifle, would make a Bankrupt of the East-India Company? Who suspected, or would presume to say, that their affairs were so desperate, or that he felt the least alarm of any such event being the consequence of immediately acceding to the proposition, and shewing the publick how heartily they were inclined to strengthen the arm of Government, by a ready and unanimous vote of the three Regiments? Did he not know the Gentleman, from whom the motion for delay had come, he should have said, it was intended insidiously to cut up the Address and its object by the roots, and suggested, as a mode of undermining, what could not be met openly. Suspending the By-Law, the Serjeant said, could be attended with no inconvenience, and therefore he saw no reason whatever, for waiting fourteen days before they voted an Address, to which it was evident there was no objection.

Mr. *Bensley* (a Director) commended, in warm terms, the principle of the motion, and thought, that let the expence be what it would, it ought to be incurred, and might be specialy provided for; but in his mind the sum of 50 or 60,000l. which had been the amount mentioned, would by no means cover the expence, it might be 100,000l. or even 200,000l. But that in his mind made no difference; at the same time, he declared that he saw no good reason for precipitately passing over a By-Law, of which the Court had been formally apprized, and a due attention to which would only create a delay of fourteen days before the Court finally did that, which it seemed to be their unanimous intention to concur in.

Mr. Bensley said, he had little expected to hear the sort of argument that had been urged to induce them to carry the matter to an immediate decision; much less had he imagined that he should have heard from a Gentleman of the Long Robe, a recommendation totally to disregard the Laws of the Company, in order to support the Constitution. Mr. Bensley again spoke with zeal in support of the question, as originally moved, and

thought

thought it would have a better and a more respectful appearance, to come with the unanimous approbation and support of the Court, after deliberate consideration, and a strict adherence and conformity to the Company's By-Law.

Sir *Francis Baring*, reminded the court that a material circumstance of the transaction in 1780, either had been forgotten, or not related to the gentleman who had mentioned it, viz. the indemnity entered into. The same objection had then been taken, as was in the present instance insisted on, and to obviate it, an indemnification was offered, accepted, and entered into immediately by thirty individual proprietors, and ratisfied at the next General Court. Sir Francis observed, that it was not merely the By-law that stood in the way of gentlemen, who so warmly pressed for an instant decision on the question, but a matter of infinitely higher consequence, viz: the Charter of the Company, so lately settled by act of parliament. Without better consideration, and taking legal advice on the subject, he much doubted whether the Court of Directors were warranted, to interfere in the disposal of any of the Company's cash before the provisions of the Charter, with regard to the appropriation of their profits, were completely fulfilled. It appeared to him, that it would be nugatory and fruitless to enact By-laws, if they were to be liable to *sudden suspension*; and he particularly argued, that the company should not rashly forego the obedience due from them to an express act of parliament; he could not help therefore, feeling great surprize at the language of the learned serjeant, who in his eagerness for the motion being carried, seemed ready to leap over law, and disregard the constitution of the company.

Mr. *Henchman* begged he might say a few words in reply to the learned Serjeant's personal attack upon him. It was to be sure, only a side wind, but that side wind, in his opinion, came so very nearly direct, that he thought he was under the necessity of calling upon the learned Serjeant to point out when his conduct had been insidious, and whether in any Motion he had ever made in that Court, he had given cause to justify such an insinuation? He relied upon the candor of the Court, and defied the learned Serjeant to make good his suggestion.

Mr. *Serjeant Watson* appealed to the Court, whether he had not spoken guardedly, when he treated of the Motion proposed by the Hon. Gentleman, and expressly declared, that if he had not known the

the Gentleman, who moved the Amendment, he ſhould have ſuſpected it was meant inſidiouſly to undermine the Motion; but he did aſſure the Hon. Gentleman, he believed him to be incapable of any ſuch conduct.

Mr. *Henchman* thanked the learned Gentleman for his explanation, and proceeded. He ſaid he wondered, as much as any man, to hear the learned Serjeant in particular, call out ſo loudly for diſpenſing with the laws; if it was done on one occaſion, it could be done on any, and where the purpoſe was not ſo clearly patriotic as the preſent. He appealed to the juſtice of the Court, againſt ſuch a ſtep; and as to the precedent of 1780, he begged the proceedings might be read; it would then appear that no indemnity was propoſed, or entered into, for the three ſhips, but only for a Bounty of a few Thouſand Pounds, given to the ſeamen. He had been ſcarcely leſs aſtoniſhed to hear the learned Serjeant treat with ſo much levity, the idea of a Commercial Body having recourſe to pen and ink, when a ſubject of ſo important a nature, and immediately affecting their caſh account, was for the firſt time ſtarted; ſo far from thinking upon this point, as the learned Serjeant had ſaid he did, Mr. Henchman declared he hoped never to ſee the day, when that Company ſhould decide any thing, when they were called upon to grant money, before they had reſorted to their deſks and examined their affairs, in order to aſcertain whether they were able to afford the grant, without injuſtice to their creditors, or injury to the abſent Proprietors.

Mr. *Jackſon*, began a very able reply to Mr. Serj. Watſon, by expreſſing a wiſh that the court would indulge him for a few moments in his own defence. He appealed to the recollection, and to the candour of the Proprietors, if any thing like oppoſition to the principle of the buſineſs, had proceeded from himſelf, or any one of his Honourable friends; they had only wiſhed to be circumſpect in the diminution of that fund, which was to pay their dividend, and ſatisfy their creditors; they had only aſked for time to enquire what aid they could afford, conſiſtent with propriety and juſtice. The Directors, indeed, had gone further, feeling themſelves in the delicate ſituation of truſtees, as well of the privileges, as of the property of the Company, and doubting the legality of the meaſure, they had, like men of honour, preferred a ſenſe of their duty, to the plaudits of intemperate zeal, and had deſired leave and time to conſult that eminent and able legal authority, which the conſtitution of the Company had wiſely placed at their elbow; what

 was

was the Court to think of the motives of those who refused them such assistance and denied them opportunity for reflection. If unanimity was as desirable as he believed the Hon. Mover of the Address felt, and other persons pretended they thought it to be, why wantonly provoke opposition, and place the friends of the Company in the painful predicament of risking insinuations of disloyalty, or consenting to that code of laws (which related to every part of the vast machine of their affairs, and which had cost himself, and others, twelve months to frame,) being violated, and treated as regulations that were to bind, or not, according to the humour of the court, or the influence of those who thought proper to attend it? He solemnly protested against such attempts as had been lately made to set aside their ancient institutions, in order to carry the purpose of those present. The Committee who framed the By-Law, in question, foreseeing such a moment as the present, had enacted that no grant of money should be made, without fourteen days notice; upon that law alone, hung the security of every man that purchased into their stock, for if once it was understood out of doors, that such was the Constitution of the Company, that a few persons, stimulated perhaps, by a laudable enthusiasm, or, *perhaps*, with a view to please certain political connections, with whom they wished to stand well, could make a party in that court, suddenly to vote away the property of the Company, the reputation of its fund was gone; and no sensible man would expose his fortune to such casualty. He repeated his warm attachment to the Constitution; he meant unequivocally the Constitution of King, Lords, and Commons, as asserted at the Revolution; and, if necessary, he would die in the last ditch to defend it. But his zeal did not stop there; next to the Constitution of the Country, he valued the Constitution of that Company; he had spent some few years of his life in studying its affairs, and in humbly endeavouring to promote its interest, and its honour; he would not now tamely witness the overthrow of its great palladium; he meant that safeguard, which the law had set over their treasury; and if an attempt at once so violent, so wanton, and imperious, was persisted in, he trusted that he had friends enough about him, who knew sufficiently what they owed to themselves, to join in demanding a *ballot* upon that distinct proposition. (a cry of *hear! hear!*) What must that Court, or the publick think, of the consistency, or the sincerity of those Gentlemen, who, in the same breath in which they deplored the calamities that had befallen France, were urging their fellow Proprietors to the very measure which had occasioned them, namely, that of voting by acclamation. The horrors which pervaded France, had been most emphatically described, by the

very

very persons who insisted upon an imitation of their conduct, who denied to the Court time or means for deliberation, whom nothing would satisfy but revolutionary movements, who said, that to pause was to be incivic, and who called doubt dissafection. Was this a doctrine that accorded with the purpose of their meeting? If they expected the humbler classes of their fellow citizens to fight for the Constitution, let them be taught to reverence it. If they expected it to be reverenced, let them shew by their own example, the sacred estimation in which it was held. Had they any thing to apprehend from the principles of their countrymen? no; they had shewed their loyalty; had they any thing to apprehend from their temper? no; that was generous to a proverb; from whence then, proceeded their fears? why, confessedly, lest the people should fall into the error, into which the court was about to plunge itself, that of disdaining deliberation. Left following only the impulse of the moment, without judgement or discrimination, and under no other guidance than their passions, they might pull down the pillars of that sublime fabrick, which had been so eloquently described, burst through the sacred pale of private property, trample upon all order, morals and religion, and commit those other excesses alledged to be the results of popular movements! Ought it to be rendered possible for them to quote the example of the East India Company, who, with as little judgement, and discrimination, and perhaps with less reason because unprovoked, were testifying publickly their disregard to their own laws, and calling it patriotism to set them at defiance? The only reason which had been assigned for this precipitancy, was to give greater weight to their resolution; he had always understood that resolutions which were known to result from grave and serious discussion, weighed more with the publick, than those which were known to proceed from rash and unqualified zeal; he hoped, therefore, that Gentlemen would not drive him to the necessity of demanding a *ballot* to preserve the law. As for the Address, he had before said, that he agreed substantially with it; he only intreated the Honourable Gentleman to leave out that part which could produce no good whatever, and might affect the lives of our countrymen, now upon trial by a jury of their peers. Mr. Jackson said, he was anxious that on the proper day the Court should agree to vote the Regiments, provided it could be done consistent with their late Charter, because he thought the sum of 50,000l. could not materially affect them, and because he thought the example necessary, and of more consequence to Government, than the value of it, considered as a pecuniary aid.

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The *Lord Mayor*, declared he saw, no objection to the Court's coming to an immediate vote on the Address; he said, he had not had the advantage of hearing the hon. gentleman's (Mr. L.'s) opening, but was enabled from what he had heard of the debate within the last half-hour, pretty well to collect the sense of the Court, and the course which the reasoning of the day had taken. The By-Law, the subject of objection, appeared to him to him to be a very frivolous one, and he could not help observing, that they were not called upon to act in defiance of any Act of Parliament, any Law, or any Charter, but merely to set aside a By-Law made by themselves, over which they had absolute authority, and therefore they could set it aside whenever they pleased. No other legal objection had been stated, but that of the By-Law, which he contended, was meant to guard against sudden and imprudent grants of money to individuals, but not to stand in the way of a great question like the present. This By-Law, had, in a former war, been passed by on a similar occasion; and no man could say, that the Proprietors of that day were not fully justified in the step they then took, although the Company was not then in that flourishing state it now happily was. It was perfectly safe and proper to follow so good a precedent, and it was a customary thing to dispense with a By-Law, which stood in the way of a great object in all other great corporate bodies; in the Court of Common Council it was done repeatedly. He should not have objected to the motion as originally moved, for taking the subject into consideration fourteen days hence, but as some gentlemen expressed a desire to come immediately to a vote on the Address proposed, and other gentlemen, who objected thereto, maintained that no evil could arise from delay; he begged to ask, if it was nothing to keep the minds of the Proprietors in a state of disquiet and uncertainty during that period, and to give an opportunity to the enemies of this Country, to act upon the weak and timid, to terrify some with imaginary attacks on their rights and priviledges, and to inflame others with false statements and false arguments? Was it nothing to give so much time to the writers in the public prints in the pay of the French Convention, and to the *Jacobin* Societies in the metropolis, to hold out to the world, that this Company hesitated at shewing so great a proof of their loyalty, and attachment to their king and country? For his part he knew but little of the *Jacobin* prints of late, as he had for the last three months been so much the subject of their abuse, that he had put them aside. The gentlemen who had brought this business before the Court, were too well known for their honourable and independent conduct, to bring any measure forward that they were not well warranted in by the rules and practice of the company. He should

ſhould be ſorry, if the Court thought it enough to go to the foot of the Throne with verbal profeſſions, and unmeaning offers of their lives and fortunes: the Company was called upon to act, as a great commercial body, in times the moſt critical and the moſt perilous that had ever appeared in the civilized world, and when he was ſorry to ſay, he had good reaſon to apprehend, that the number of diſaffected perſons in the kingdom, was greater than had been generally imagined. To ſet a glorious example of loyalty to other great corporations, and to give, by their vote, an effectual aid in the general defence of the country. There was a peculiar propriety in the Company's raiſing the propoſed regiments of Fencibles, as it was certain, that in caſe of any invaſion, or ſucceſsful inſurrection, the firſt object would be the wealth and property of the Company. Had the late riots continued, this (Eaſt India) Houſe, with its extenſive warehouſes, would have been attacked by the rioters, and if carried, the whole would have been plundered, and the edifice raſed to the ground. This, his Lordſhip ſaid from his own knowledge, his ſituation having enabled him to poſſeſs himſelf of the facts which had come before him within the laſt three months. Could any man, who reads and hears what paſſes, doubt the intention of the enemy to make a deſcent upon this country, and if ſuch a deſcent be made, that the deſtruction of the metropolis will be the firſt object? Perhaps by the time theſe three fencible regiments are raiſed, their firſt ſervice will be the guard and defence of your very warehouſes, and when the danger appears ſo imminent, are the Proprietors to wait fourteen days to determine if it is right, for them to agree on doing that, which their loyalty, their duty to their country, and their own ſafety, require of them. A Ballot was threatened; he was heartily glad to hear it; he recollected the whim of a gentleman of the Houſe of Commons, who always choſe to divide the Houſe on any queſtion in which he took a part, in order to ſee what the numbers were, however few, that concurred with him in opinion; ſo in this caſe, he hoped there would be a *ballot*, becauſe it would ſhew who thoſe were that objected to the Addreſs, and who were willing to ſupport it. He deſired therefore, that a Ballot might be demanded. [A Proprietor immediately exclaimed, "*then I demand one.*"] It was ſaid, by gentlemen, that they would defend their country to the utmoſt and, "would die in the laſt ditch;" but if the enemy really attempted, or effected a landing, the true way to defend the country, his Lordſhip ſaid, would be to meet them bravely on the ſea-ſhore; that was "the ditch" a brave man ſhould die in. He therefore hoped, that the Addreſs propoſed would be brought forward and voted without loſs of time.

Mr. *Jackson* rose to explain, and reminded his Lordship that it was not against the Address, but against any infraction of their laws, that he had said he would demand a Ballot.

Sir *Francis Baring* again suggested the particular provisions of the last act of Parliament, which were positive and clear, with regard to the appropriation of the surplus of their profit, and thence he shewed that the Lord Mayor was not correct, when he so broadly asserted that they were not called upon to act in defiance of any Law. He had already hinted his doubts on that point, and had stated that it appeared to him that the Court of Directors must take legal advice upon that particular, before they could act, as they were then called upon to act. Sir Francis said, he should have a good deal to say himself, upon the subject of the Address and Motion, although he was as anxious as any man, that the Company should avow its attachment to the King and Constitution, in the warmest and most loyal manner, but he would reserve his sentiments till the Court should meet again.

Mr. *Barwis* recommended as a means of getting rid of the present difficulty, that the Court should that day vote the Address singly, and leave out the part respecting the tender of the three regiments, till the 23d instant, when they might vote it without violation of the By-Law.

Mr. *Ald. Pickett* observed, that it was his intention to have met the question of addressing his Majesty much earlier in the Debate, if it had been brought forward in the terms that appeared in the papers. He thought the responsibility of Ministers would, in a great measure, be done away, if public bodies were to take upon themselves to say that the war was *just* and *necessary*. He was of opinion there never was a moment when his Majesty's Ministers ought *more* to be held to their responsibility. He spoke of the calamities of the war, the enormous expence it was to the nation, and its destructive operation in Society, with regard to the peace of families, good order, industry, trade and commerce, &c. He thought such an address ought not to originate with the Proprietors of India Stock, as *it was well known* they were a partial body, and great numbers very much interested by the continuance of the war, and that large fortunes were making thereby. He admired the constitution of this country, of King, Lords and Commons, and thought it competent to every exigency that might arise, and so long *as Ministers were responsible*, he thought

thought the country ought chearfully to consent to pay any increase of taxes. He very much disapproved public subscriptions, as a speculative system out of the constitution, and dangerous in their tendency. Interests and situations were very different, some men would be highly gratified, and their families exceedingly benefited; while others would be excited to come forward to the great injury of themselves and connexions. If the system of subscription was thoroughly investigated, he was inclined to think, that it would save very little, *if any thing*, to the resources of government. He contended for adjourning the business; and said, if the proposition would not bear fourteen days consideration, it ought not to pass, independent of its being *an infraction on their Charter*. He was much astonished to hear aGentleman of the profession speak so lightly of Charters, when it was in the recollection of every person present, that one great Lawyer's observations in the House of Commons on the same subject, were never forgotten through the remainder of his life. He reprobated in the strongest terms, the rashness of coming to an *immediate* resolution to raise three regiments at an enormous expence, *after what had fallen from some of the Directors*, with regard to the finances of the Company, and particularly as the *specific proposition* was totally unknown to the absent Proprietors.

Mr. *Lushington* said, no man respected the Laws of the Company or the Laws of the Land more than he did; he was not in the least inclined to disregard either, but was perfectly willing to do which ever of these two things, the Court should think proper: either to vote the Address singly, and not to present it till after the 23d instant, when the proposition respecting the three regiments might be voted without violation of any By-Law or regulation of the Company, or to vote the whole that day, and join with thirty other Gentlemen in a bond of indemnity for one thousand pound each, to be immediately signed. With regard to the number of the disaffected, notwithstanding what had been said on that subject by his Hon. and Learned Friend, which had been confirmed by the Lord Mayor, he was still of opinion that it was by no means considerable.

Mr. *Barwis* declared his readiness to join in the indemnification which his honourable friend had just suggested, if that should be deemed by the Court, to be the most adviseable mode of proceeding.

Mr. *Twining* observed, that unanimity was, on such an important occasion, so extremely desirable, that he could not help recommending it to those

those, who were anxious to vote the tender of the Regiments immediately, to agree to the original Motion, and to let the question pass by way of notice.

Mr. *Henchman* (having desired to see the Book of Minutes) referred to the entry respecting the Ships of the line and the Bounty to seamen, which were voted in 1779, and not in 1780, as had been erroneously stated.

[The Minute in question was read by the Clerk, from which it appeared that the indemnification alluded to, referred only to the sum proposed to be advanced immediately, by way of *Bounties to Seamen*, but not to the Ships, which were finally determined upon at a subsequent Court.]

Mr. *Serjeant Watson* adhered to his opinion, that to vote both the Address and the Motion immediately, was the most desireable thing that could be done, and he still saw no valid objection to it, because they had before their eyes a precedent for the suspension of the Company's By-Law on a great occasion, though certainly not on an occasion of such pressing exigency as the present. To follow the precedent now, would the Serjeant said, in his judgement, be the next best possible thing, and if the best of all pssioble things could not be obtained, they would do well to make choice of the next best; and he would state his reasons why he thought it more adviseable to adopt the original Motion with some qualification, than to come into the present suggestion of voting the Address unanimously, and voting the tender of the regiments under the sanction of an indemnification. In the first place, it was of essential use to be unanimous on such an occasion, and on that ground only it was worth while to wait fourteen days, before they decided on the whole question; besides, if they followed that mode he had last mentioned, they would send up to the Sovereign two unconnected and incoherent things, *viz.* the Address itself, unanimously voted by the General Court, and couple with it a tender of three Regiments standing on the opinion and authority of some thirty or more of individual Proprietors. Thus the whole would be a disjointed proceeding, and could not, in strict construction, be deemed altogether the unanimous act of the General Court. To avoid therefore incurring such a dilemma, he thought it would be better to suspend the whole question under the original Motion, till the next Court, to be held on the twenty-third instant, by which means the Court might vote the whole unanimously, without violation of the By-Law. At the same time that he recommended the

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the adopting the fourteen days adjournment, the Serjeant repeated his first declaration, that the best of all possible things would be to vote the whole that day, if it could be done with unanimity. With regard to the qualification of the Motion, that he had alluded to, he should move, that the reason of postponing the coming to a vote at that time should be prefixed to the Motion by mentioning that such a By-Law, of such a section required that fourteen days notice, should be given in writing previous to the making any Motion for any grant or any sums of money out of the Company's cash, &c.

Mr. *Jackson* said, he was always glad to agree with his Learned Friend, when he could do so consistently with his own feelings and his sense of Public Duty. The doctrine that the Learned Serjeant had just laid down, was so sound that he concurred in it completely, it was certainly right and necessary to prefix the words of the By-Law to the Motion, because it not only manifested the respect which the present Court thought due to their By-Laws, but established a precedent of so strong and marked a description, that he trusted no man would on any future occasion venture an attempt to suspend them for the purpose either of gratifying his impatience, or indicating his zeal.

Major Scott declared himself ready to come to an immediate vote of the Address and Motion annexed, but as unanimity was extremely desireable, he thought it would be better to wait fourteen days, than carry the question in the face of a difference of opinion.

Upon a reference to the books, it was seen in what manner the By-Law in question was worded, and these words having been prefixed to the Motion,

"It being ordained by the By-Laws of this Company, Cap. 8, Sec. 4. That no "Motion shall be made in a General Court, to make any Grant of any sums of Money "out of the Company's Cash without notice being given in writing by the persons pro- "posing the same, and published by the Court of Directors, at least 14 days previous "to the holding of such General-Court."

the Motion, thus amended, passed unanimously, in the following words:

It being observed, that it is ordained by the By Laws of this Company, Cap. 8. Sec 4. That no motion shall be made in a General Court, to make any grant of any sums of Money out of the Company's Cash without notice being given in writing by the persons proposing the same, and published by the Court of Directors, at least 14 days previous to the holding of such General Court.

Resolved Unanimously, therefore, " that a General Court be held on THURSDAY " the 23d Instant; to take into consideration an Address to His Majesty, expressive of " the firm determination of this Company, to give every support in their power to " the Government of the country, at this arduous crisis; and particularly to express a " wish to Raise and Cloth three Fencible Regiments, to serve in Great-Britain, Ireland, " or the Islands of Jersey and Guernsey, and to recommend that the Officers belonging " to the Company's Military establishment in India now in Europe, may be employed " in those Regiments, subject to his Majesty's approbation."

Mr. *Henchman* then rose to have the question put for the appointment of a Committee of the Court of Directors, with six Proprietors to examine, &c.

On which a short conversation took place, Serjeant *Watson* suggested, that it was unnecessary to have such a Committee, as in the first place, it was the duty of the Court of Directors to make the necessary enquiry, and in the second, the annexing six Proprietors to join in their labours would imply a doubt of their diligence and integrity, a doubt which he would venture to say, neither the Honourable Gentleman, who proposed the motion, nor any other Gentleman in that Court at all entertained, much less meant to suggest.

Mr. *Henchman* disavowed any such intention, and said if it was thought by the learned Serjeant, that his Motion would be liable to such an interpretation, and that the necessary enquiry might be made without such a Committee being appointed, he would withdraw his Amendment His only reason for naming six Proprietors was, that he thought it a compliment due to the Proprietors without the Bar, whose property was about to be voted away, and he believed if the names* had been read, very little objection would have been made to the measure, but he did not press the Motion he had offered, because as it was generally understood, that the objects of it, were to be matters of consideration with the Court of Directors, they would of course consider the expence of the Regiments, and take opinions of counsel on the legality of the measure.

The Court adjourned at FOUR O'CLOCK, to Thursday the 23d instant.

* The following are the names, which Mr. Henchman had written down, as those whom he meant to propose, as the six Proprietors to be on the Committee, had he persisted in his amendment:

Mr. W. LUSHINGTON,	Mr. RICHD. TWINING
Mr. SERJ. WATSON,	Mr. JOHN PRINSEP,
Mr. JACKSON BARVIS,	Mr. EDW. BABER.